

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SECOND APPEAL No. 166 of 1990****For Approval and Signature:****HONOURABLE MR.JUSTICE R.S.GARG**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil
judge ?

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PATEL GANDABHAI ISHWARBHAI - Appellant(s)**Versus****PATEL AMTHALAL JOITARAM - Defendant(s)**

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Appearance :

MR DK DESAI for Appellant(s) : 1, (MR JV DESAI) for Appellant(s) : 1,
MR PRAKASH K JANI for Defendant(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG**Date : 14/03/2007****ORAL JUDGMENT**

1. Mr.P.K. Jani, learned counsel for the respondent submits
that the sole respondent expired on 21/2/1997 and
despite intimation of death and details of the legal

representatives, Mr. J.V. Desai, learned counsel who was earlier representing the appellant, had not taken any steps for substitution of the legal representatives. Mr.D.K. Desai, learned counsel now appearing on behalf of the appellant, submits that he had informed his client but he has not contacted him to take appropriate steps.

2. As the sole respondent expired in 1997 and till date no steps have been taken for substitution of the legal representatives, the cause has abated. The appeal is dismissed as abated. Interim relief, if any, is vacated. No costs.

(R.S. GARG, J.)

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